

March 10, 2004

The Honorable Russell E. Prescott, Chairman
Senate Executive Departments & Administration Committee
Room 102, Legislative Office Building
Concord, New Hampshire 03301

**RE: Senate Bill 534-FN-A Relative to the reorganization of certain
functions and duties of state agencies**

Dear Chairman Prescott and Members of the Committee:

Thank you for the opportunity to comment on Senate Bill 534-FN-A, relative to the reorganization of certain functions and duties of state agencies. The Department of Environmental Services (DES) enthusiastically supports those portions of the bill that relate to this agency and appreciates your consideration of our comments.

Section 48-49 of the bill transfers the Bureau of Environmental and Occupational Health and the Bureau of Radiological Health of the Department of Health and Human Services (DHHS) Office of Community and Public Health to DES. The Bureau of Environmental and Occupational Health is responsible for three major functions: a) evaluating health risks associated with toxic chemicals released into the environment; b) providing occupational health and safety services to employers, including the regulation of asbestos contractors and consultants; and c) working to reduce lead paint poisoning. The health risk assessment and workplace occupational health programs would be transferred to DES. The lead paint program would remain at DHHS.

The health risk assessment and occupational health and safety functions have traditionally worked closely with DES. Some of the more notable examples include determining the human health risks resulting from exposure to hazardous chemicals under RSA 125-H, the establishment of hazardous air pollution standards as required by RSA 125-I, and developing standards for cleanup of soils contaminated with gasoline or other hydrocarbons. Another example of a successful joint venture has been the licensing of asbestos clean-up contractors who work on asbestos waste sites, where DES has supplied the engineering expertise and the Bureau of Environmental and Occupational Health supplied the industrial hygiene knowledge to make sure the work would not create an asbestos hazard. Most recently, Bureau of Radiological Health radiation health physicists worked with DES inspectors to evaluate reports of the alleged disposal of depleted uranium in the Pease Tradeport area.

Section 50 amends RSA 21-O:2 to authorize the DES Commissioner to nominate the directors of the Air Resources and Water Divisions for appointment by Governor and Council. Under current law, the director of the Waste Management Division is nominated by the Commissioner, and the Air Resources and Water Division directors are nominated by independent appellate councils. DES supports the proposed change because it will bring tighter management control to the hiring of key employees, along with consistency in the process for selecting the three division directors.

Section 51 transfers the Coastal Zone Management and New Hampshire Estuaries programs from the Office of Energy and Planning to DES. Both the Coastal Zone Program and the New Hampshire Estuaries Project seek to protect and improve water quality coastal natural resources, with an emphasis on aquatic resources, while providing for public use of the resources as well as economic viability. These goals coincide with the statewide goals of the DES watershed management and smart growth programs. These programs already share substantial resources with the Department's programs, both through formal memoranda of agreement and through informal networking.

Sections 48-49 and 51 of Senate Bill 534-FN-A will consolidate similar programs, thereby reducing the internal coordination, often through memoranda of agreement and Governor and Council requests, presently required for the programs to interact and work together. Consolidation of the environmental components of the Bureau of Environmental and Occupational Health, Bureau of Radiological Health, and Office of Energy and Planning within the State's lead environmental agency will lead to greater efficiencies and a more focused sense of mission for these programs. Section 50 will ensure that the procedure for nomination of DES division directors is uniform and subject to the best management practices of the chief executive officer of the agency. For all of these reasons, DES supports Senate Bill 534-FN-A.

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me or Assistant Commissioner Michael Walls at 271-8806.

Sincerely yours,

Michael P. Nolin
Commissioner

cc: Committee Members
Senator Robert E. Clegg, Jr.